

## SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY B. MCCARTHY, C. YOUNKIN, J. TESTER, K. GILLAN, P. CLARK, W. CRISMORE  
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE ENVIRONMENTAL QUALITY COUNCIL CONDUCT AN INTERIM STUDY ON THE MONTANA ENVIRONMENTAL POLICY ACT (MEPA) STATUTORY FEE SCHEDULE, MEPA ALTERNATIVES ANALYSIS, STATE AGENCY USE OF PROGRAMMATIC ENVIRONMENTAL REVIEWS, AND THE ADEQUACY OF STATE AGENCY MEPA ADMINISTRATIVE RULE DEFINITIONS.

WHEREAS, the 1999 Legislature directed and the Environmental Quality Council (EQC) completed a very extensive and detailed study and review of the Montana Environmental Policy Act (MEPA) process and its implementation; and

WHEREAS, during the course of that study, the EQC convened nine meetings, including five formal public hearings in Libby, Great Falls, Helena, Missoula, and Billings, that resulted in 242 issues being raised regarding MEPA implementation; and

WHEREAS, at the conclusion of the EQC's study, the EQC and the general public concluded that although the EQC had addressed many of the issues raised, because of time constraints there were additional issues that deserved careful and deliberative study; and

WHEREAS, the EQC has longstanding and statutorily required involvement in MEPA issues and has demonstrated strong bipartisan expertise in analyzing and reviewing MEPA policy and implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the EQC be requested to give priority to the study of the following MEPA issues:

(a) evaluate and update MEPA's statutory fee schedule provisions to ensure fairness and certainty in the cost of implementing MEPA;

(b) evaluate the implementation of agency alternatives analysis to provide an adequate review of reasonable alternatives;

1 (c) evaluate state agency use of programmatic environmental reviews to determine if greater  
2 efficiency can be gained in the implementation of MEPA; and

3 (d) evaluate the adequacy of state agency MEPA administrative rule definitions in the efficient  
4 implementation of MEPA.

5 (2) That the EQC convene a working group of various stakeholders to assist the EQC in evaluating  
6 the issues set out in subsection (1).

7 (3) That the EQC actively solicit the participation of groups and individuals whose state-regulated  
8 activities are subject to MEPA review, of Montana citizens, of state and local officials, and of any other  
9 persons or groups with interest in the outcome of the study.

10 (4) That state agencies responsible for implementing MEPA fully cooperate and assist the EQC in  
11 this study.

12 (5) That the EQC, prior to September 30, 2002, be requested to:

13 (a) prepare a report of its findings and conclusions; and

14 (b) identify options and make recommendations, including legislation if appropriate, to the Governor  
15 and to the 58th Legislature.

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